



Alison A. Minea
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November 21, 2018

VIA ECFS AND FIRST CLASS MAIL

Joe Pyritz
Public Information Officer
Pinal County
135 North Pinal Street, PO Box 827
Florence, AZ 85232

Re: *STELAR Feasibility Certification, Market Modification Pre-Filing Coordination Letter for Pinal County, AZ, MB Docket No. 15-71*

Dear Mr. Pyritz:

DISH Network L.L.C. ("DISH") is in receipt of your pre-filing coordination letter ("Letter"),¹ pursuant to the procedures set forth in the Federal Communications Commission's ("FCC") rules governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 ("STELAR").²

The Letter requests information regarding carriage of the following stations in the Tucson, Arizona market into five ZIP codes located in Pinal County, Arizona: KVOA (NBC), KUAT (PBS), KGUN (ABC), KMSB (FOX), and KOLD (CBS)). The attached Feasibility Certification pursuant to 47 C.F.R. § 76.59(e) reflects DISH's response to the Letter.

Please contact the undersigned if you have any questions.

Sincerely,

/s/ Alison A. Minea

Alison A. Minea
DISH Network L.L.C.

Attachment: Feasibility Certification Pursuant to 47 C.F.R. § 76.59(e)

¹ Letter from Joe Pyritz, Public Information Officer, Pinal County to Alison Minea, DISH Network L.L.C., September 26, 2018. Despite the date on the letter, DISH did not receive it until October 12, 2018.

² See Amendment to the Commission's Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014, *Report and Order*, MB Docket No. 15-71, FCC 15-111, ¶ 47 (Sept. 2, 2015) ("*Market Modification Order*"). See also STELA Reauthorization Act of 2014 (STELAR), § 102, Pub. L. No. 113-200, 128 Stat. 2059, 2060-62 (2014) (codified at 47 U.S.C. § 338(l)).

FEASIBILITY CERTIFICATION PURSUANT TO 47 C.F.R § 76.59(e)

1. This Feasibility Certification is issued by DISH Network L.L.C. (“DISH”) pursuant to the pre-filing coordination procedures contained in the Federal Communications Commission’s (“FCC”) Order¹ governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 (“STELAR”).²
2. This Feasibility Certification responds to the letter (“Letter”) dated September 26, 2018 from Joe Pyritz, Public Information Officer, Pinal County, Arizona, requesting information regarding carriage of certain Tucson, Arizona local broadcast stations (KVOA (NBC), KUAT (PBS), KGUN (ABC), KMSB (FOX), and KOLD (CBS)) (the “Stations”) to DISH subscribers in the following five ZIP codes located in Pinal County, Arizona: 85739, 85623, 85631, 85618, and 85192 (the “ZIP Codes”).
3. As an initial matter, KVOA (NBC), KGUN (ABC), KMSB (FOX), and KOLD (CBS) all currently qualify under the “duplicating signals” exception to satellite carriers’ broadcast carriage obligations in Pinal County.³ And KUAT (PBS), as a non-commercial educational station, is not eligible for a satellite market modification.⁴
4. Nevertheless, DISH has evaluated the Letter and has determined that, at this time, the relevant standard definition (SD) and high definition (HD) spot beams carrying the Stations provide adequate coverage to Pinal County.
5. However, it would be both “technically infeasible” and “economically infeasible” pursuant to 47 C.F.R. § 76.59(e) if DISH were required to target coverage of additional local broadcast stations to the specific ZIP codes in the Letter, rather than to the county in its entirety. DISH’s system recognizes designated market area (“DMA”) boundaries based on counties, not ZIP codes. Reconfiguring its systems to accommodate ZIP code-based market modifications would impose a very substantial cost burden on DISH and would be inconsistent with the FCC’s rejection of ZIP-code based definitions for satellite communities in market modifications.⁵
6. DISH reserves the right to amend this Feasibility Certification at any time due to, among other things, a satellite equipment failure or a different satellite being brought into service for the area that includes Pinal County which has different coverage capabilities than the satellite(s) currently being used.

¹ Amendment to the Commission’s Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014, Report and Order, MB Docket No. 15-71, FCC 15-111, ¶ 47 (Sept. 2, 2015) (“*Market Modification Order*”).

² STELA Reauthorization Act of 2014 (STELAR), § 102, Pub. L. No. 113-200, 128 Stat. 2059, 2060-62 (2014) (codified at 47 U.S.C. § 338(l)).

³ See 47 U.S.C. § 338(c)(1); *Market Modification Order* ¶ 28 n.146.

⁴ See 47 U.S.C. § 338(l).

⁵ *Market Modification Order* ¶¶ 56-57.

The foregoing has been prepared using facts of which I have personal knowledge or upon information provided to me. I certify under penalty of perjury that the foregoing is true and correct to the best of my current knowledge, information, and belief.

A handwritten signature in black ink, appearing to read "Alison A. Minea".

Alison A. Minea
DISH Network L.L.C.

Executed on November 21, 2018